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Attorneys for Nominal Defendant  
APPLE COMPUTER, INC.

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

PIRELLI ARMSTRONG TIRE  
CORPORATION RETIREE MEDICAL  
BENEFITS TRUST, Derivatively on Behalf  
of APPLE COMPUTER, INC.,

Plaintiff,

v.

FRED D. ANDERSON, WILLIAM V.  
CAMPBELL, MILLARD S. DREXLER,  
STEVEN P. JOBS, ARTHUR D. LEVINSON,  
JEROME B. YORK, TIMOTHY D. COOK,  
AVADIS TEVANIAN, JR., JONATHAN  
RUBINSTEIN, RONALD B. JOHNSON,  
PETER OPPENHEIMER, MITCHELL  
MANDICH, ROBERT M. CALDERONI,  
JAMES J. BUCKLEY, DANIEL L. EILERS  
and G. FREDERICK FORSYTH,

Defendants,

- and -

APPLE COMPUTER, INC.,

Nominal Defendant.

Case No. 5:06-cv-04493-JW

**STIPULATION AND ~~PROPOSED~~  
ORDER EXTENDING TIME FOR  
DEFENDANTS TO RESPOND TO  
COMPLAINT**

1 IT IS HEREBY STIPULATED by and between Plaintiff Pirelli Armstrong Tire  
2 Corporation Retiree Medical Benefits Trust ("Pirelli Armstrong") and Nominal Defendant  
3 Apple Computer, Inc. ("Apple") as follows:

4 WHEREAS, Pirelli Armstrong filed its Complaint against Defendants on July 24, 2006,  
5 and served it on July 27, 2006;

6 WHEREAS, Apple is currently scheduled to respond to Pirelli Armstrong's Complaint  
7 by August 16, 2006;

8 WHEREAS, Apple has obtained authorization to accept service of process on behalf of  
9 several of the individual defendants, is in the process of seeking such authority from others, and  
10 is discussing representation issues with the individual defendants;

11 WHEREAS, Pirelli Armstrong has agreed to extend to October 6, 2006, the time for  
12 all defendants to move or plead in response to Pirelli Armstrong's Complaint;

13 NOW THEREFORE, pursuant to Civil Local Rule 6-1, the parties hereby stipulate as  
14 follows:

15 All defendants who have been served to date, and all defendants who shall subsequently  
16 accept service and request to be covered by this stipulation, shall have an extension of time to  
17 answer or otherwise respond to Plaintiff Pirelli Armstrong's Complaint to October 6, 2006.

18 IT IS SO STIPULATED.

19  
20 Dated: August 14, 2006

GEORGE A. RILEY  
DAVID M. FURBUSH  
LUANN L. SIMMONS  
O'MELVENY & MYERS LLP

21  
22  
23  
24 By: /s/ Luann L. Simmons  
Luann L. Simmons

25 Attorneys for Nominal Defendant  
26 APPLE COMPUTER, INC.  
27  
28

1 Dated: August 14, 2006

WILLIAM S. LERACH  
TRAVIS E. DOWNS III  
SHAWN A. WILLIAMS  
LERACH COUGLIN STOIA GELLER  
RUDMAN & ROBBINS LLP

5 By: /s/ Travis E. Downs III  
Travis E. Downs III

7 Attorneys for Plaintiff  
PIRELLI ARMSTRONG TIRE  
CORPORATION RETIREE MEDICAL  
BENEFITS TRUST

10 **CERTIFICATION OF CONCURRENCE**

11 I attest under penalty of perjury that concurrence in the filing of this document has been  
12 obtained from Travis E. Downs III.

13 Dated: August 14, 2006

GEORGE A. RILEY  
DAVID M. FURBUSH  
LUANN L. SIMMONS  
O'MELVENY & MYERS LLP

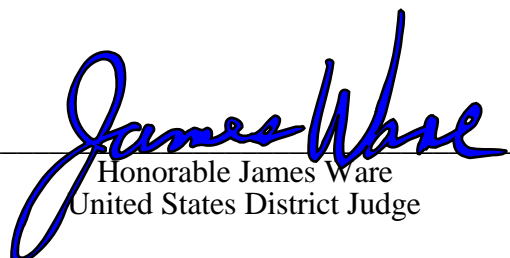
17 By: /s/ Luann L. Simmons  
Luann L. Simmons

18 Attorneys for Nominal Defendant  
APPLE COMPUTER, INC.

21 **ORDER**

22 Pursuant to stipulation, IT IS SO ORDERED.

23 Dated: August 21, 2006

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25  
26   
Honorable James Ware  
United States District Judge

28 SF1:639722.1